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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Karl-Friedrich Laible

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7590

06/15/2006

JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,471,313 to Ueda et al.

Ueda et al discloses a refrigerating appliance housing comprising all the elements recited in the above listed claims including, such as shown in Fig 20, a wall having an opening 56 formed therein, a reinforcing part 14 having a hole 55 formed therein and disposed with said hole 55 overlapping said opening 56 of said wall, a destructible layer 51 disposed between said wall opening 56 and said reinforcing part hole 55, said destructible layer 51 covering said wall opening 56 and said reinforcing

Art Unit: 3637

part hole 55, said wall and said reinforcing part being connected to each other by a mechanical connection 15 made without substantial heating of at least one of said wall and of said reinforcing part, which might damage said destructible layer, and a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening 56 or said reinforcing part hole 55 and that an uncovering of said opening 56 covered by said destructible layer 51 by contact of said destructible layer 51 with said connection is excluded, wherein said connection extends through said destructible layer, and said connection is a rivet connection 15.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,606,112 to Jenkins et al in view of USP 6,471,313 to Ueda et al.

Jenkins et al discloses a refrigerating appliance comprising all the elements recited in the above listed claims including, such as shown in Figs 5-6, a foam-filled

Art Unit: 3637

hollow body having a wall 27 including an opening 50 formed therein, a reinforcing bar 16 having a hole 55 formed therein and disposed with said hole overlapping said opening 50 of the wall 27, said wall 27 and said reinforcing part 16 being connected to each other by a connection 60 (wherein the connection point being defined as one of the two openings 50 shown in Fig 3), wherein said connection extends through said wall and said reinforcing part, and said connection is a rivet connection, and said opening 50 is disposed on a front side of said housing and is provided for mounting a hinge (col. 6, lines 56-61.). The differences being that Jenkins et al does not disclose a destructible layer disposed between said wall 27 and said reinforcing part 16, said destructible layer covering said wall opening and said reinforcing part hole, a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening or said reinforcing part hole and that an uncovering of said opening covered by said destructible layer by contact of said destructible layer with said connection is excluded, wherein said connection extends through said destructible layer.

Ueda et al discloses a refrigerating appliance housing comprising all the elements recited in the above listed claims including, such as shown in Fig 20, a wall having an opening 56 formed therein, a reinforcing part 14 having a hole 55 formed therein and disposed with said hole 55 overlapping said opening 56 of said wall, a destructible layer 51 disposed between said wall opening 56 and said reinforcing part hole 55, said destructible layer 51 covering said wall opening 56 and said reinforcing part hole 55, said wall and said reinforcing part being connected to each other by a

Art Unit: 3637

mechanical connection 15 made without substantial heating of at least one of said wall and of said reinforcing part, which might damage said destructible layer, and a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening 56 or said reinforcing part hole 55 and that an uncovering of said opening 56 covered by said destructible layer 51 by contact of said destructible layer 51 with said connection is excluded, wherein said connection extends through said destructible layer, and said connection is a rivet connection 15; wherein the destructible layer 51 closes the wall opening and the reinforcing part hole, thereby preventing the foamed heat-insulating material from leaking out of the housing through said opening and said hole. Therefore, it would have been obvious to modify the structure of Jenkins et al by providing a destructible layer disposed between said wall 27 and said reinforcing part 16, said destructible layer covering said wall opening and said reinforcing part hole, a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening or said reinforcing part hole and that an uncovering of said opening covered by said destructible layer by contact of said destructible layer with said connection is excluded, wherein said connection extends through said destructible layer; wherein the destructible layer closes the wall opening and the reinforcing part hole, thereby preventing the foamed heat-insulating material from leaking out of the housing through said opening and said hole, as taught by Ueda et al, since both teach alternate conventional refrigerating appliance housing, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HVT
June 09, 2006

Hanh V. Tran
Art Unit 3637